LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

2015/16–2017/18
Public Business Plan
Legal Aid Ontario

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Mandate

Under the Legal Aid Services Act, 1998 (LASA), Legal Aid Ontario (LAO) was established as an independent corporation accountable to the Government of Ontario.

LAO's mandate is to provide consistently high quality legal aid services in a cost-effective and efficient manner to eligible clients. LAO encourages and facilitates flexibility and innovation in the provision of its services, while recognizing the private bar and clinics as the foundation for providing services in criminal, family, refugee and poverty law.

In fulfilling this mandate, LAO is committed to providing services which recognize the importance of diversity, access, equity, creativity and quality.

Governance

LAO's governance structure is outlined in the Legal Aid Services Act (LASA), which identifies the agency's accountability relationship with the Province of Ontario; board terms and composition; areas of law where legal aid services are to be provided; methods of providing legal aid; eligibility; corporate powers; finances and administration.

LAO's administration is also governed by a Memorandum of Understanding (MOU) between the Attorney General and the Chair of LAO. A new MOU was recently signed by LAO's Chair and the Attorney General, which:

- confirms the accountability relationships between the Minister and LAO through its Chair;
- clarifies the roles and responsibilities of the Minister, the Chair, the Deputy Minister, the President and the Board;
- establishes the expectations for the operational, administrative, financial, auditing and reporting arrangements between LAO and the Ministry of the Attorney General;
- establishes the mutual expectations of information exchanges; and
- complies with the requirement that an MOU be established, under section 71 of LASA and the Agency Establishment and Accountability Directive.

Overview of programs and activities

LAO provides legal assistance to approximately 1 million financially and legally eligible clients annually through a range of services.

Administratively, LAO consists of a provincial office in Toronto and four regions, which are made up of nine districts:

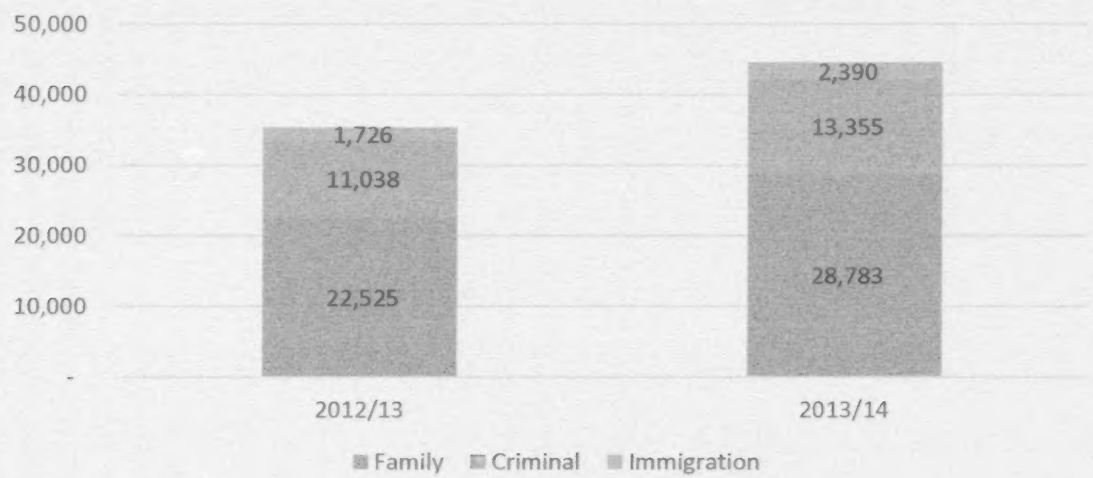
- the northern region (northeast and northwest districts);
- the central and eastern region (central, Ottawa and Durham-Frontenac districts);
- the Greater Toronto Area Region (covering Toronto, Peel, Dufferin and York region) and
- the southwest region (Essex, Lambton and Kent, London and Hamilton-Kitchener districts).

Legal aid assistance is available through:

a) Calling LAO's Client Service Centre (CSC) toll-free from anywhere in Ontario, or collect outside of the province. Service is provided in more than 200 languages, including 18 Aboriginal languages and dialects, through simultaneous interpreting services.

   LAO's CSC provides general information on legal aid services available to eligible clients, how to apply and who is eligible. In addition, the CSC provides referrals to other programs and services, such as duty counsel, community legal clinics, the Ontario Disability Support Program, Ontario Works, the Family Responsibility Office, Citizenship and Immigration Canada, the Ontario Labour Relations Board, shelters and other community resources. The CSC also provides summary legal advice to financially eligible callers on criminal, family and refugee matters.

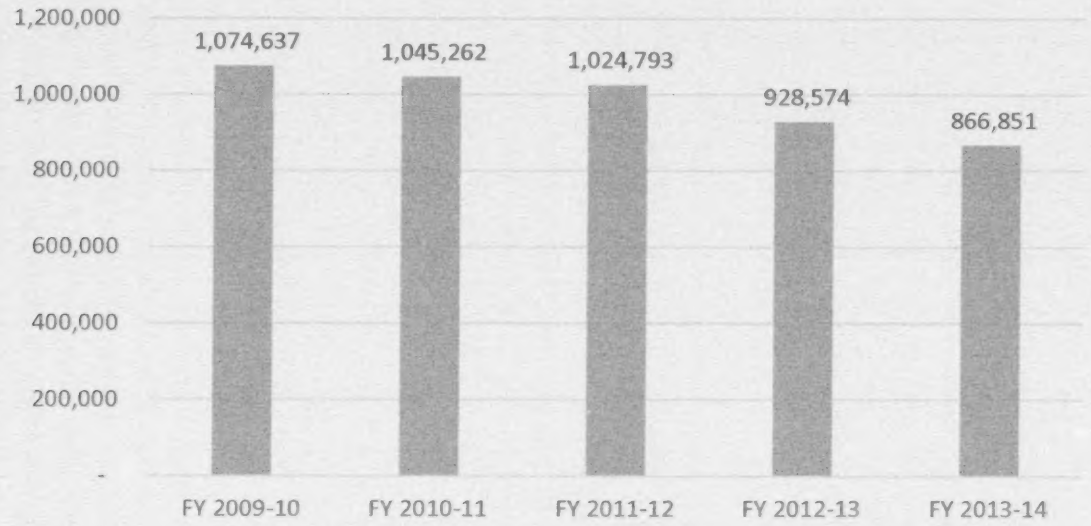
FIGURE 1: SUMMARY LEGAL ADVICE



b) Speaking with a duty counsel lawyer at any courthouse or a LAO staff worker at one of the 56 courthouse locations.

Duty counsel services are provided either by staff lawyers or by private practice lawyers who are paid on a *per diem* basis in every courthouse in Ontario, including more than 30 remote and fly-in locations. Duty counsel lawyers provide front line advice, information and representation to individuals who would otherwise be unrepresented and unassisted.

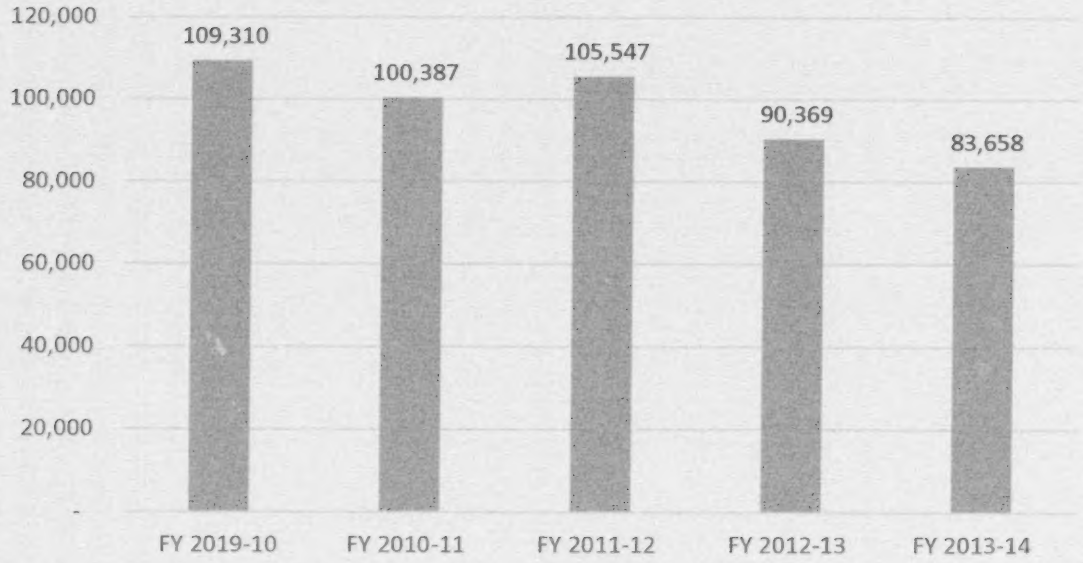
FIGURE 2: DUTY COUNSEL ASSISTS



c) Receiving a legal aid certificate to retain a private lawyer to represent them in proceedings before criminal or family courts and administrative tribunals, including the Immigration and Refugee Board.

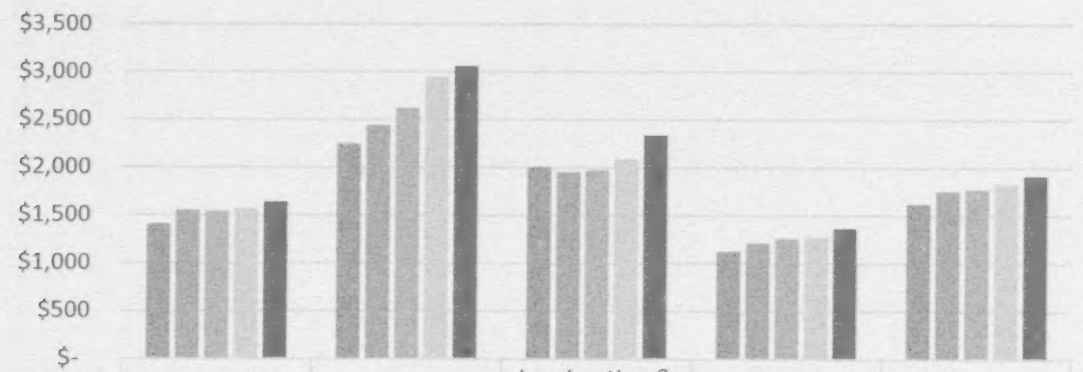
When a client receives a legal aid certificate, he or she can take it to one of more than 3,600 private practice lawyers in Ontario who accept legal aid certificates.

FIGURE 3: LEGAL AID CERTIFICATES ISSUED



The overall decline in certificates is due to the decline in criminal charges laid and criminal charges eligible for a certificate. The new federal refugee legislation has also contributed to the decrease in certificate application. Lastly, the number of direct LAO services has increased.

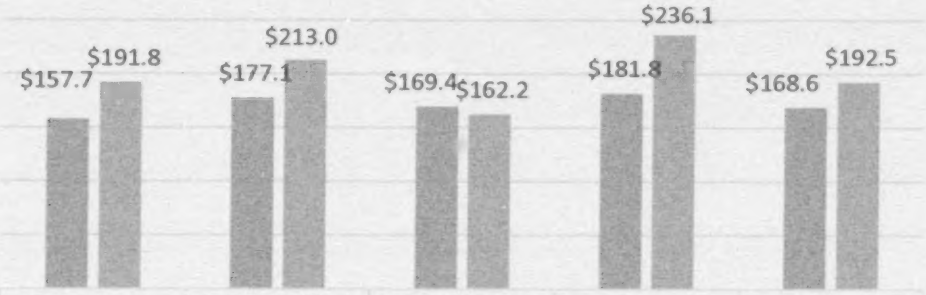
FIGURE 4: AVERAGE CASE COST BY AREA OF LAW



	Criminal	Family	Immigration & Refugee	Other Civil	Overall
2009/10	$1,405	$2,249	$2,002	$1,126	$1,620
2010/11	$1,551	$2,441	$1,953	$1,210	$1,752
2011/12	$1,535	$2,620	$1,973	$1,256	$1,770
2012/13	$1,566	$2,949	$2,088	$1,270	$1,827
2013/14	$1,637	$3,056	$2,334	$1,361	$1,908

The average certificate cost has increased, reflecting the tariff rate increase as well as changes in the complexity of certificate cases.

FIGURE 5: COST PER CERTIFICATE APPLICATION



	GTA Region	Central & East Region	Southwest Region	Northern Region	Total - Province
FY 2009-10	$157.7	$177.1	$169.4	$181.8	$168.6
FY 2013-14	$191.8	$213.0	$162.2	$236.1	$192.5

FY 2009-10 FY 2013-14

The decrease in the volume of applications has slightly increased the cost of LAO's applications.

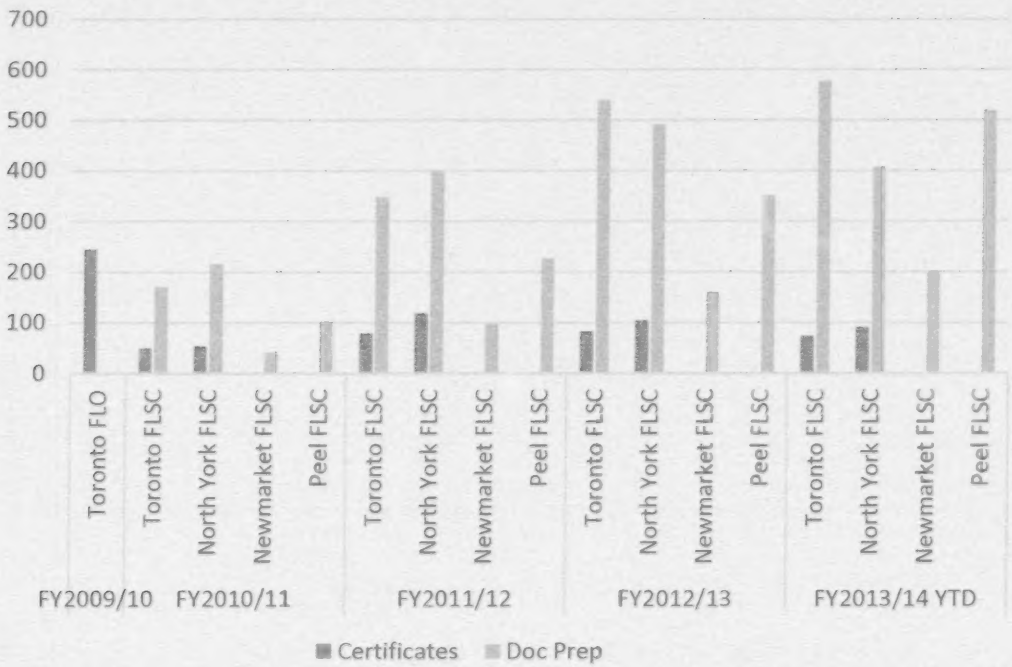
d) Assistance from one of the 76 independent, LAO-funded community legal clinics, which assist low-income people with issues such as income maintenance and landlord and tenant disputes.

FIGURE 6: CLINIC COST PER ACTIVE FILE

e) Receiving public legal education or legal advice and representation from volunteer law students at one of the six university-operated Student Legal Aid Services Societies (SLASS) that LAO funds. Minor criminal matters, landlord and tenant disputes, immigration issues, family law services, workers' rights and tribunal matters are among the issues that these societies deal with.

f) Family law service centres provide a one-stop resource for clients with family law matters. The centres offer a broad range of services from document preparation, mediation and summary legal advice to full representation for clients who qualify for certificates.

FIGURE 7: FAMILY LAW SERVICE CENTRE ACTIVITIES



	FY2009/10	FY2010/11				FY2011/12				FY2012/13				FY2013/14 YTD			
Family Law Service Centre Activities	Toronto FLO	Toronto FLSC	North York FLSC	Newmarket FLSC	Peel FLSC	Toronto FLSC	North York FLSC	Newmarket FLSC	Peel FLSC	Toronto FLSC	North York FLSC	Newmarket FLSC	Peel FLSC	Toronto FLSC	North York FLSC	Newmarket FLSC	Peel FLSC
Certificates	244	49	54			79	118			82	104			73	91		
Doc Prep		171	216	42	101	348	399	97	227	540	491	160	351	577	407	201	519

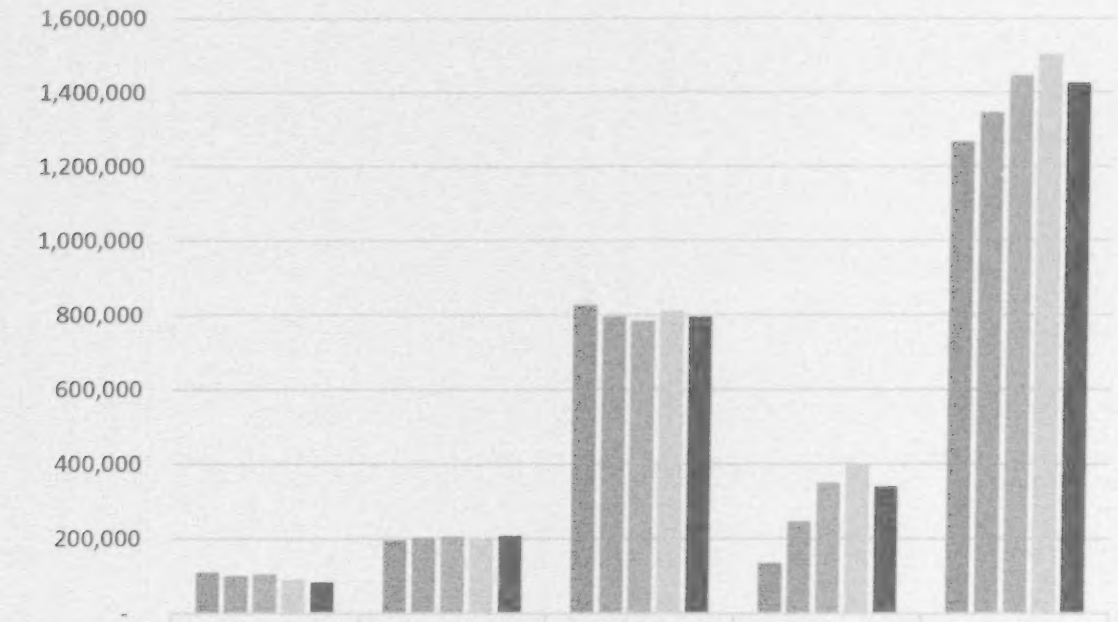
g) Calling a toll-free Francophone legal advice line for French-speaking clients, if in the GTA, eastern and northern Ontario and parts of central Ontario.

   This service operates through a partnership with three legal clinics/community centres (Sudbury Community Legal Services, Vanier Community Services and the Centre Francophone de Toronto).

   This advice line permits hundreds of Francophone clients living in non-serviced or under-serviced parts of the province to receive poverty law assistance.

The chart below illustrates all of the various ways that clients access services today under LAO's new service delivery model.

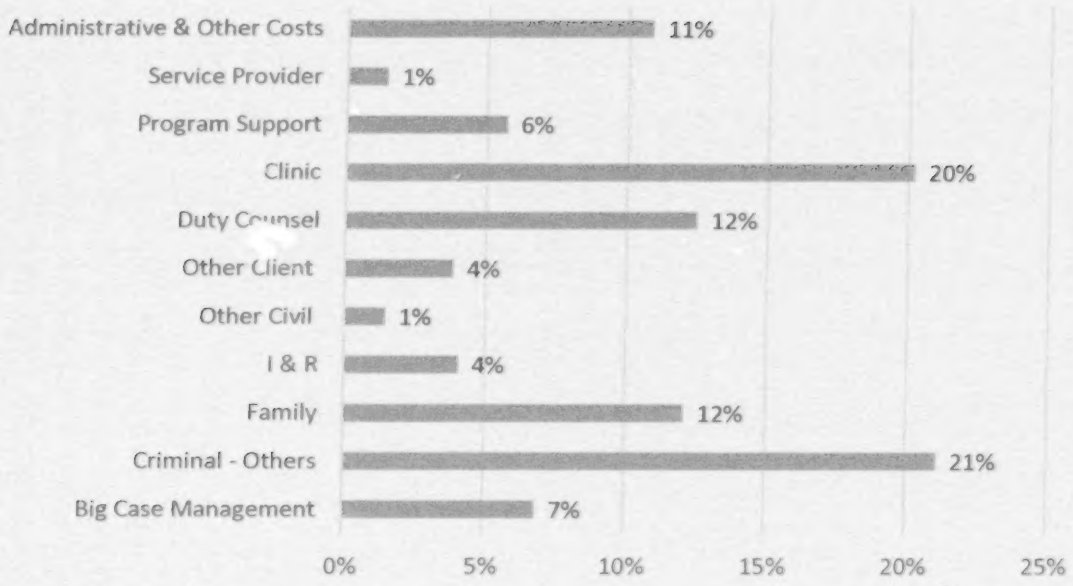
FIGURE 8: ANNUAL SERVICE ACTIVITY



	Certificates Issued	Clinics Clinic Stats exlude SLASS	DC (Inc. Lawline, Court Worker & FLSC's)	CSC Services	Total Services
FY 2009-10	109,310	195,907	826,673	134,581	1,266,471
FY 2010-11	100,387	203,196	795,701	245,376	1,344,660
FY 2011-12	105,547	206,213	783,711	349,640	1,445,111
FY 2012-13	90,369	202,390	809,392	401,334	1,503,485
FY 2013-14	83,658	208,019	794,273	338,654	1,424,604

LAO's expenditure breakdown for 2013/14 of $373.9 million is as follows:

FIGURE 9: 2013/14 EXPENDITURE BREAKDOWN



LAO 2015/16 Priorities

The 2015/16 – 2018/19 business plan builds on LAO's four strategic objectives:

- value for taxpayers
- value for clients
- service provider support
- institutional enhancements

LAO's focus for the next fiscal year will be to implement the financial eligibility changes that the province approved in the 2014 budget and implemented with regulation changes in October 2014. With this new investment of $96 million over three years, LAO will be identifying ways to significantly improve access to justice and outcomes for unrepresented litigants who do not currently meet LAO's financial eligibility guidelines.

LAO is committed to ensuring its workplace and client services respond to the diverse needs of Ontario's population by promoting diversity, inclusion and accessibility.

LAO has been successful in implementing its strategic priorities over the past several years. LAO has:

- increased service delivery channels
- increased use of technology to support client service
- identified gaps in financial eligibility
- developed strategies to address the needs of vulnerable groups
- initiated a number of clinic modernization projects
- strengthened LAO's financial position

Over the next fiscal year, LAO will continue its plan to refine how it delivers client services by:

- consulting widely with stakeholders on next possible steps to improve access to justice
- expanding services to address gaps in access to justice
- improving accountability
- improving LAO's staff legal skills and organizational capacity
- advancing client-focused technology
- simplifying LAO decision-making

Expanding client service means that LAO will review options and:

- increase the scope of what LAO covers
- increase the percentage of low income Ontarians eligible for service via government decision and LAO's use of client contributions for those above the low income cut-off
- enhance specialized services to particularly vulnerable groups
- make wider use of LAO legal support staff for all elements of client service

Improving accountability means:

- increasing program responsibilities in the districts to continue to promote and improve local relationships with service providers
- new LAO-clinic contract framework
- wider deployment of alternative fee arrangements (AFAs)
- increased disclosure of performance information about service providers to the public

For the province to balance its budget within the timeframes established in 2014, Ontario will need to reduce expenditures and seek savings opportunities. To support this, LAO will undertake a full program review, including assuming some responsibilities and programs

currently under the Ministry of the Attorney General (MAG) that align more closely with LAO's mandate.

Improving LAO's legal skills and organizational capacity means that LAO will continue to:

- enhance legal staff recruitment, training, evaluation and deployment
- develop tools to support AFAs and assist private bar lawyers in practice establishment and management
- develop management tools and information that will support the changing role of the district directors general

Advancing client-focused technology means:

- using video links for clients/staff
- deploying mobility devices for staff dealing with clients within the courthouse setting
- developing apps for clients
- effectively co-ordinating client information (coupled with information management system improvements)

Simplifying LAO decision-making means:

- new regionally-based accountability accords with regional vice presidents
- clarifying the role of the directors general
- clarifying the role of LAO's Policy department in the areas of program operations, implementation and hand-off
- integrating performance management and business planning tools
- developing tools to track key performance indicators

Stakeholder engagement

LAO needs to continue engaging its stakeholders through an effective outreach strategy. LAO will be developing new networks, at the district and regional level, to engage communities and stakeholders. LAO will also be using media and other public communications to inform traditional and new stakeholders of LAO's programs, successes and future direction.

High-level stakeholder consultation and board advisory committees will remain key elements of this process.

How will LAO integrate these priorities into its current operational plans?

- Every employee will be expected to support and deliver on key organizational priorities.
- Vice president mandates and commitments will include and specifically identify their roles in:
- delivering on LAO's strategic priorities
- continuing to operationalize LAO initiatives already underway
- ensuring that the corporate culture at LAO evolves to successfully implement its strategic and program priorities.

Strategic priorities	**Program priorities**	**Enhancing the changes in LAO's corporate culture to support strategic priorities**
• access to justice • enhanced accountability • increase LAO's organizational capacity • expansion of client centres' technology • simplification of LAO's decision making	• panel management • Aboriginal and Mental Health Strategies • Clinic transformation • research tools • stakeholder engagement • diversity • accessibility	• developing organizational structures that will support the transfer of responsibilities to regional directors general • deployment of measurement and business decision tools • succession plans for key organizational positions • appropriate training and development

Strategic priorities	Program priorities	Enhancing the changes in LAO's corporate culture to support strategic priorities
• improved public transparency of service provider performance		

Key highlights environmental scan

Criminal law

An estimated 50 per cent of criminal cases have accused who use either legal aid certificates or duty counsel services. Cases received in the Ontario Court of Justice (OCJ) are declining across all types of charges, resulting in fewer certificates. Youth Criminal Justice cases, in particular, have seen a 40 per cent decline in five years.

LAO must monitor this trend as it likely to have a growing impact on young adult charges in the near future. Young adults (19 to 25) represented one in four LAO certificates issued in 2013/14 (and likely a similar per cent of OCJ cases).

Aboriginal clients continue to be overrepresented in the criminal justice and legal aid system. Over the next several years, LAO should measure how the change in services and its Aboriginal-specific initiatives impacts these clients.

Family law

Family law private bar services are also declining. These declines cannot be tied to specific demand measures, but can be linked to new LAO service delivery methods. This includes the expansion of family law service centres and staff-delivered summary advice over the phone through the CSC. In its 2014 budget, the Ontario government committed to an investment to expand LAO's services. The impact of this investment will be included in future releases of LAO's environmental scan.

Immigration and refugee law

The federal government's changes to the refugee determination process are having a profound and lasting impact on LAO's refugee services. It has been 15 months since the introduction of the new process and, since that time, the reduced demand for LAO services has been consistent. LAO must continue to monitor these trends and adjust if changes occur. LAO should monitor the potential impact on the 200 service providers that practise in the field, and identify opportunities to explore different working relationships, given the changing environment.

Service providers

Evidence in this report suggests that the group of private bar lawyers doing legal aid work has always been replenished by junior lawyers. This trend has not recently changed. The evidence also suggests that many lawyers of varying experience levels will continue to do high volumes of legal aid work over a 30 year plus career.

More than 1,500 lawyers are called to the Ontario bar every year. For most call years, approximately 70 to100 private bar lawyers will provide consistent legal aid services throughout their career.

LAO estimates that 25 per cent of certificate services will be provided by lawyers called to the bar from 2007 to 2013. These young lawyers present LAO with an opportunity to explore different working relationships and to improve the efficiency and effectiveness of legal aid services.

More than 70 per cent of respondents answered positively or neutrally about their relationship with LAO. No statistically significant differences in overall satisfaction were found among different demographic groups of lawyers.

Human resources

For LAO to successfully meet its strategic goals, it must:

- examine various methods to engage the staff in personal and professional opportunities within LAO.
- address the career development of top talent throughout the organization.
- evolve and shift performance expectations to ensure a high performing culture.
- consider ongoing education and planning to allow people to manage their careers as they plan for various life events, such as child-rearing or retirement.
- consider other types of leaves, such as sabbaticals, when other opportunities are not available within the organization, so employees can recharge and return to LAO.

Technology

Access to technology among LAO's client group is changing and will impact how clients choose to interact with LAO and legal service providers. A large and growing per cent of LAO's current and future client group, represented by low income individuals 16 to 24 years of age, are using the Internet to interact with government websites and social network sites.

In 2013, 94 per cent of low income young Canadians had access to the Internet, and a growing number use handheld devices such as cell phones and tablets to do so.

Transparency and accountability

The Ontario taxpayer continues to demand that public sector services and expenditures be open and transparent. The Ontario government recognizes that accountability in the public

sector is becoming increasingly complex. Public demand for improved services and fiscal constraints are putting pressure on the government to change the services it provides and the way it provides them.

As a result, LAO is subject to a number of Ontario government directives and initiatives, including the Accountability Directive and Ontario's Open Government Initiative, that support LAO's desire to conduct its business in an open and transparent manner.

Government and justice sector initiatives

There are a number of initiatives in the justice sector and broader Ontario government that will have an impact on LAO and its service providers. These include:

- the renewed Ontario Poverty Reduction Strategy 2014-2019
- the new phase of the MAG's Justice on Target (JOT)
- the recommendations of JOT's Bail Expert Table
- the Access To Civil and Family Justice: A Roadmap for Change, a report released in October 2013 that outlines a roadmap for real improvements to the civil and family justice system

International scan: trends and developments

A scan of international jurisdictions reveals that many jurisdictions are experiencing similar opportunities and threats, such as financial constraint, changing demographics, quality concerns, resistance to change. This s can identifies some of the innovations that warrant further study to determine which initiatives can be used in Ontario. Some of the highlights are:

- alternate business structures and unbundling of services in Great Britain and Australia
- online dispute resolution in the Netherlands
- medical/legal partnerships in the United States and Australia
- the use of paralegal services to fill gaps in services in African nations

Diversity and inclusion plan

LAO has established an Inclusion and Diversity committee to create a diverse, engaged workforce that reaches its full potential in an inclusive and healthy environment, with a strong foundation of commitment, support and accountability.

Services include:

- promoting awareness on diversity, inclusion and accessibility through communication, training, workshops and other collaborative events
- assisting with outreach, recruitment, research and the sharing of best practices
- providing training specifically related to inclusion and diversity practices
- providing strategic and proactive advice on diversity and inclusion to the executive and staff of LAO
- helping change behaviours to value differences in the workplace and better respond to the needs of Ontario's diverse population
- promoting that diversity and inclusion is more than employment equity.

The committee is creating a business plan that focuses on the following areas:

people

- link diversity and inclusion to the organization's mandate and values
- ensure that all staff have accountability and performance objectives that reflect diversity and inclusion

processes

- embed diversity and inclusion into the core values of LAO
- review existing workplace policies to remove potential barriers and identify opportunities for increasing inclusion
- ensure diversity and inclusion is part of each employee's performance and learning plan.
- collect demographic data of staff, where available

services

- commit to reviewing public and internal communications for clear, plain and inclusive language

- review existing services for opportunities to remove barriers (real or potential) to inclusion
- ensure plans are made to address these barriers

develop a feedback **mechanism** for public input on LAO's services

measures of success

- number of learning events held for all staff
- number of communications distributed regarding diversity and inclusion
- number of policies and processes reviewed through an inclusion lens
- number of Workplace Discrimination and Harassment Prevention complaints within LAO

Accomplishments

A governance policy for the formation of an Affinity group was approved by LAO's executive management committee.

The committee helps to promote days of significance throughout LAO such as World Pride, various religious holidays and various culturally significant days.

35 per cent of LAO staff voluntarily participated in and completed a diversity survey. Although not definitive, the survey gave an indication of the diversity of LAO's workforce, which will help inform the committee's future priorities.

Timeline

During the next three years, there will be ongoing scrutiny of policies and practices, to ensure that LAO identifies and addresses any biases that create a barrier to recruitment or employee advancement, or in the performance of their duties.

Some of the specific activities to be addressed are:

- connecting inclusion and diversity with LAO's client needs by empowering staff locally and supporting networks across the organization
- outreach within the communities which we serve, to reinforce diversity
- partnering with the Aboriginal Justice Strategy and the French Language Strategy

- building upon the existing culture at LAO that reinforces the value of inclusion by training and setting performance objectives.

Multi-year accessibility plan

LAO is on schedule to meet and, in some instances, exceed the requirements of the *Accessibility for Ontarians with Disabilities Act* and ensure LAO is accessible to all Ontarians with disabilities by 2025.

LAO's ongoing accessibility initiatives, developed with MAG and its associated divisions, ensure respect and dignity for all.

LAO's Accessibility Steering Committee:

- recommends accessibility priorities to executive management
- ensures compliance with the requirements of the Act
- coordinates activities between the Accessibility Committee and the Diversity and Inclusion Committee
- creates a three year operational plan
- oversees the implementation of the plan.

Current activities to meet the accessibility needs of LAO's clients and staff include:

- mandatory accessibility training for all LAO staff
- compliance with building accessibility requirements at all LAO locations, including new buildings and those that require renovations, by 2025
- provision of accessible technology to clients and employees, including accessible web access, phone services and computer accessories
- due consideration to accessibility needs during purchase order processes (procurement)
- putting all materials into accessible formats (large font, Braille, audio, etc.)
- meeting the requirements of the internationally endorsed Web Content Accessibility Guidelines 2.0
- putting in place comprehensive feedback mechanisms to find out whether people are satisfied with our services, and if not, how we can improve.

LAO has consulted with persons with disabilities, in order to identify barriers and implement mitigation strategies.

- We actively participate in seminars/consultations hosted by MAG, which allows us to interact with experts on accessibility legislation, as well as representatives from agencies and tribunals committed to various accessibility-related causes (e.g. Canadian Institute for the Blind, Canadian Hearing Society, Centre for Independent Living, etc.)
- We have created our own Accessibility Advisory Committee, consisting of individuals internal and external to LAO who identify themselves as having accessibility challenges and are willing to share their real world experiences, insights and ideas with us. This committee meets quarterly (at a minimum).
- The information obtained in the consultations outlined above are taken to our internal working group for consideration and action as required. The working group is made up of leads from various LAO departments. They assess gaps and develop/implement action plans to address them, including the allocation of financial and human resources to barrier removal and accessibility planning.
- Each department has been asked to consider and allocate accessibility funds in their yearly business plans.

Budget summary

DRAFT	**BUDGET 2014-15 (as of July end)**	**2015-16 draft budget**	**2016-17 estimates**	**2017-18 estimates**	**2018-19 estimates**
Total government funding	359,793,358	363,949,100	352,549,100	347,549,100	347,549,100
increased financial eligibility funding	-	31,540,000	48,810,000	48,810,000	48,810,000
other revenues subtotal	38,038,000	37,038,000	34,650,000	34,650,000	34,650,000
total revenues	**831,358**	**432,527,100**	**436,009,100**	**431,009,100**	**431,009,100**
client programs	-	-	-	-	-
certificate program	645,553	189,845,775	189,357,732	186,446,452	186,446,452
clinic program	80,476,948	80,476,948	76,588,948	75,088,948	75,088,948
duty counsel program	52,431,735	53,349,972	53,349,972	53,349,972	53,349,972

DRAFT	BUDGET 2014-15 (as of July end)	2015-16 draft budget	2016-17 estimates	2017-18 estimates	2018-19 estimates
service innovation projects	2,233,051	2,720,051	2,720,051	2,720,051	2,720,051
program support	24,539,302	24,539,302	24,539,302	24,539,302	24,539,302
total client programs	**348,326,590**	**350,932,048**	**346,556,005**	**342,144,725**	**342,144,725**
increased financial eligibility expenditures	-	28,386,000	43,929,000	43,929,000	43,929,000
service provider support	5,836,165	5,836,165	5,836,165	5,836,165	5,836,165
administration	36,868,756	36,868,756	36,868,756	36,868,756	36,868,756
other expenditures	8,801,848	15,615,767	21,693,981	24,973,984	28,208,546
total expenditures	**399,833,358**	**437,638,735**	**454,883,907**	**453,752,630**	**456,987,191**
funded cost of tariff increases	-	200,000	11,840,000	14,190,000	14,190,000
annual operating (deficit)/surplus before reductions	- 5,002,000	- 4,911,635	- 7,034,807	- 8,553,530	- 11,788,091
strategies being developed to reduce deficit	**-**	**4,911,635**	**5,000,000**	**5,000,000**	**5,000,000**
annual operating (deficit)/surplus	**- 5,002,000**	**-**	**- 2,034,807**	**- 3,553,530**	**- 6,788,091**

Performance measures

LAO reports to its board and to MAG on a number of measures, including financial health, employee health and client health.

Financial indicators

Measure	Proposed Measure	Current Assessment
Income	Balanced budget.	LAO is projecting a balanced budget for 2015/16.
Debt Position	Elimination of accumulated deficit.	Accumulated deficit eliminated at the end of 2013/14.
Cash flow	$15 million cash balance.	$52.5 million cash balance as of March 31, 2015.
Productivity	Cost per assist.	Cost per assist fell by 28 per cent March 2010 to Dec 2013 but has increased by 5 per cent from March 2012 to Dec 2013. It is anticipated that this will increase slightly as the last additional 5 per cent increase is added to the tariff in April, 2015.
Administrative Efficiency	Administration costs.	Target is 11 per cent. Projected to be 11 per cent in 2014/15.

Organizational health indicators

Measure	Proposed Measure	How does measure assist in organizational health	Current Assessment
Turnover	Maintain turnover rate below Ontario Public Service (OPS).	A stable workforce is one indicator of an engaged workforce, and allows the organization to reliably make workforce plans.	Measure is trending higher (4.91 in 2012/13 and 5.66 YTD 2013/14).
Staff management	Meet target of 10 to 1.	Important to have an appropriate span of control to ensure efficient operations and appropriate oversight and coaching of staff.	Current level 9.86 to 1.
Sick days	Maintain average sick days below OPS.	Sick days are another way of measuring staff engagement.	3.32 in 2014. Down significantly from 2013 level of 8,5 days.

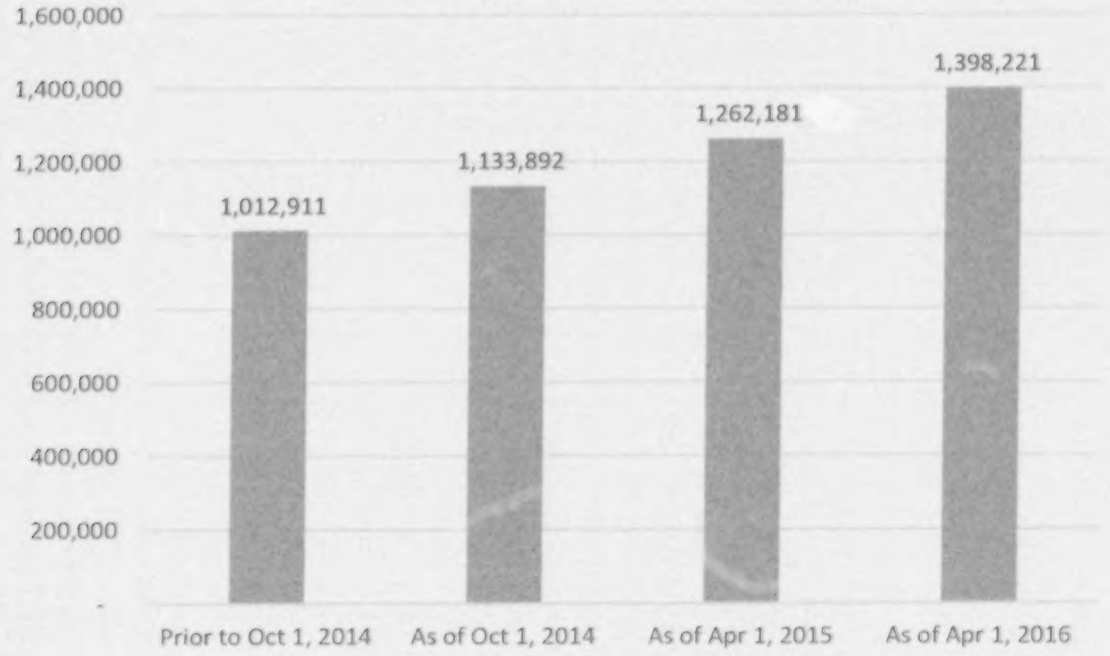
Service indicators

Service indicators may be affected by the announcement and effective date of changes in financial eligibility. LAO will monitor and use additional resources to ensure that the administrative capacity is available to address higher volumes of services.

Measure	Proposed Measure	Current Level	Current Assessment
Timeliness of Service	CSC call wait time targets: Tier 1: 1:30 minutes Tierl 2: 6:30 minutes Summary Legal Advice (SLA): 10:00 minutes	Q2 2014/15 wait times are as follows: Tier 1: 4:37 tier 2: 10:48 SLA-Criminal: 20:21 SLA-Family: 16:43 SLA-Immigration/ SLA-Refugee: 7:44	LAO has been experiencing longer call wait times and has increased staffing to address this issue.
	Eligibility sameday decisions.	80 per cent same day decision.	Up from 72 per cent in 2012/13.
	Area office appeals.	Target is to hear Section 30 certificate appeals within three days.	Section 30 appeals on area committee agendas within three days 49 per cent of the time in third quarter. Further analysis underway.
	Application acceptance rates for certificates.	Remains at 86 per cent.	86 per cent for the past three years.
Client Satisfaction	Overall client satisfaction – direct LAO services	83% of respondents "agreed" or "strongly agreed" that they were satisfied with the overall quality of service from the lawyer. The mean score for this item was 84	Exceeds other broader public sector organizations that measure 82 per cent.
Access to Justice	Percentage of clients who would self-represent if not for LAO.	45% of respondents indicated that they would have gone to court on their own. A further 27% of respondents answered that they did not know what they would have done had they not been able to get LAO services.	LAO's services have a significant impact on the self-representation issue and enhancing access to justice.
	Percentage of Ontario	Number of low income Ontarians that are financially eligible for	LAO's services have a significant impact on

Measure	Proposed Measure	Current Level	Current Assessment
	population that is financially eligible for LAO's services.	LAO's services will increase from 1 million to 1.4 million by the end of 2015/16.	the self-representation issue and enhancing access to justice. Increasing the percentage of Ontario's Low Income Population that is eligible for LAO services will significantly enhance access to justice.

FIGURE 10: ESTIMATED LEGAL AID CERTIFICATE ELIGIBLE POPULATION AS A RESULT OF FINANCIAL ELIGIBILITY INCREASES



Appendix A Environmental Scan

LAO Client Satisfaction

Background and response

LAO has conducted eight iterations of a Client Satisfaction Survey since 2005. The most recent iteration of the survey was conducted over a period of two weeks in September 2014. Approximately 11, 500 surveys were sent to over 150 locations throughout the province, including duty counsel offices, Justice on Target offices, district offices, Refugee Law Offices, and correctional facilities. A total of 860 surveys were completed, resulting in an overall margin of error of ±3 percentage points at the 95 per cent confidence level.

Client use of service

At the beginning of the survey, respondents were asked several questions regarding access to LAO services. More than half of the clients who responded to the survey (57 per cent) indicated that they had received services from LAO more than once in the last 12 months.

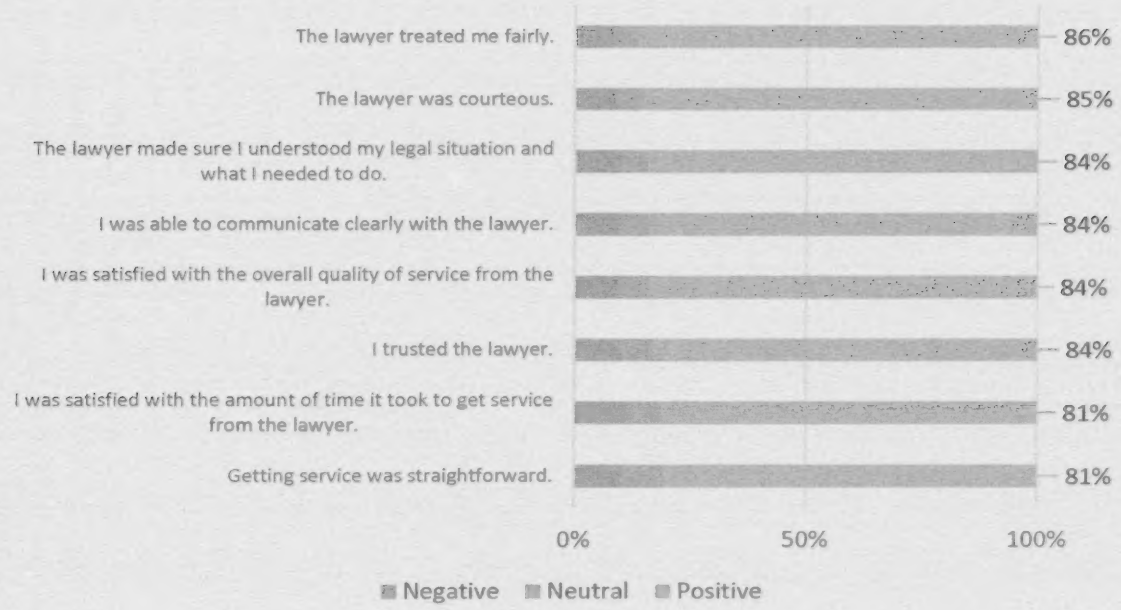
Respondents were also asked what they would have done had they been unable to get LAO services. In line with the findings of previous client surveys, a very large proportion of respondents (46 per cent) stated that they would have gone to court on their own. Other commonly stated responses included trying to hire a lawyer privately (12 per cent), asking a friend or family member to help (8 per cent), trying to deal with the problem without using the court system (2 per cent), and abandoning the matter (2 per cent). Over one quarter of respondents (26 per cent) indicated that they did not know what they would have done had they been unable to get LAO services.

Client satisfaction

Respondents were asked to rate their satisfaction with aspects of LAO services provided by lawyers. Overall satisfaction with quality of service was high, with 84 per cent of respondents selecting a positive rating (a rating of "4" or "5" – "strongly agree" – out of 5). Furthermore, each item was rated positively by over 80 per cent of respondents. Positive ratings ranged from 81 per cent ("Getting service was straightforward") to 87 per cent ("The lawyer treated me fairly"). This narrow range and high level of positive response support that clients perceive that LAO services are delivered in a consistent, high-quality manner.

Of the aspects of services that respondents were asked to rate, the strongest driver of overall satisfaction was that the lawyer made sure the client understood his or her legal situation and what he or she needed to do.

FIGURE 11: CLIENT SATISFACTION SURVEY RESULTS



Client satisfaction over time

The wording and presentation of this recent survey differed slightly from previous surveys. However, survey results suggest that respondents' satisfaction with lawyers' courtesy and with lawyers' explanation of their clients' legal situations has remained consistent over the last three iterations of the survey (2011, 2012, and 2014).

Service Providers

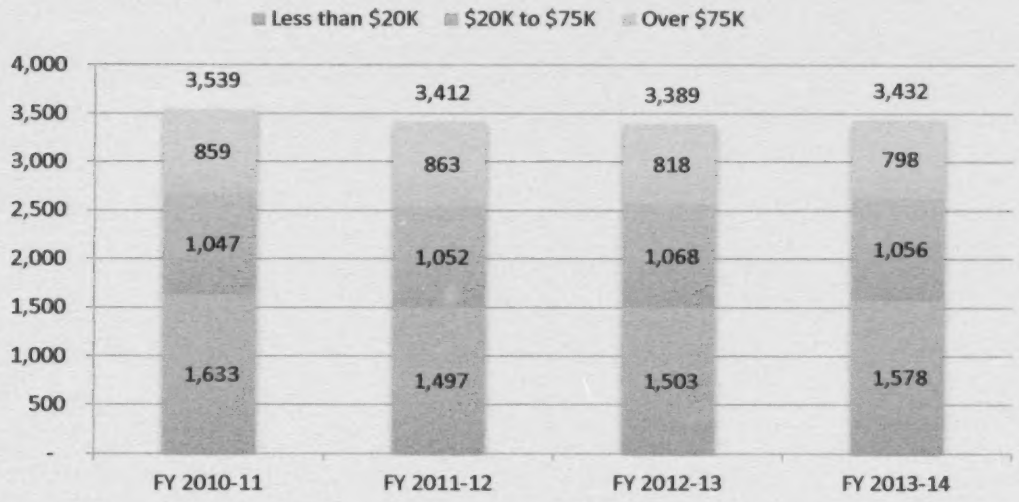
Every year LAO makes payments to thousands of private bar lawyers to deliver legal aid services to eligible certificate clients. This pool of lawyers is diverse in many ways: age, experience, area of practice and volume of legal aid practice.

This section will provide a detailed picture of these private bar lawyers based on information that is available to LAO. In 2014, LAO is conducting a revised lawyer survey; the purpose of this survey is to understand the view of the diverse members of the bar. In a revised version in September, an analysis of the results was included. This analysis will report on the views and opinions of service providers and will be able to report on the different responses as they relate to experience, area of practice, volume and geographic location.

Legal aid earning demographics

Every year, legal aid spends over $170 million on legal aid certificates, which is paid to approximately 3,600 lawyers. The chart below demonstrates how the private bar lawyers are dispersed among three different legal aid earning categories: less than $20,000, $20,000 to $75,000, and over $75,000.

FIGURE 12: LAWYERS PROVIDING CERTIFICATE SERVICES BY LEGAL AID EARNINGS



In each of the last four full fiscal years, there have been 800 or more different lawyers earning over $75,000 in legal aid certificate work. Over the four year period, more than 1,200 different lawyers have legal aid earnings over $75,000 at least once. This high-earning group of lawyers is responsible for approximately 70 per cent of LAO's annual certificate spending.

Looking at a broader earning category, every year, there are over 1,800 lawyers that earn more than $20,000 from legal aid. Over the four year period, there have been more than 2,500 different lawyers that have legal aid earnings over $20,000 on at least one occasion. This category of lawyers is responsible for approximately 94 per cent of LAO's annual certificate spending.

In each of these earning categories, there are a number of lawyers that have consistently made over the specified amount. In the last four years, there have been 500 lawyers that made over $75,000 each year and there have been over 1,300 lawyers that made over $20.000 each year. This demonstrates that LAO has a consistent core of dedicated private bar legal aid practitioners that consistently take on high volumes of legal aid work.

There is also another group of lawyers that is less consistent with their volume of legal aid billings. In the last four years, there were 287 lawyers who earned over $75K once, 233 lawyers

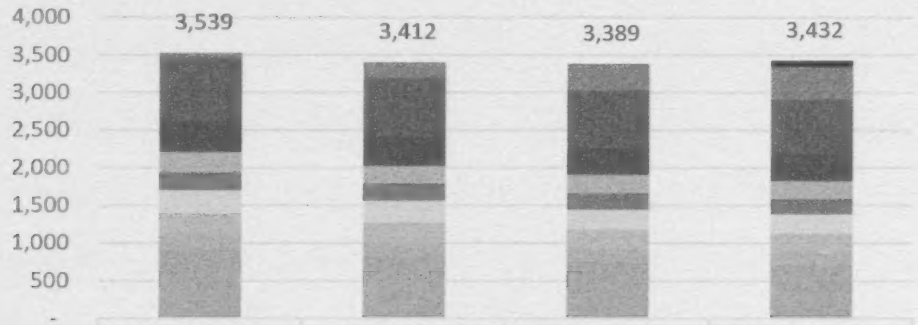
who earned over $75K twice and 199 who earned over $75,000 three times. This group consists of over 700 lawyers who provide varied amounts of legal aid work from year to year and are a potential source of additional capacity for any increase in legal aid work.

There has been a minor decline in the total number of lawyers doing legal aid certificate work, approximately 3 per cent over the last four years. However, this is entirely consistent with a decrease in LAO's certificate payments and overall decrease in LAO's certificate issuance.

Experience demographics

LAO is able to assess the relative experience of its private bar lawyers based on the year of call to the bar of the lawyer. Based on this information, it is possible to get a better understanding of the private bar lawyers that provide legal aid. The below chart demonstrates how the total group of private bar lawyers breaks down by year of call categories (in this instance, each band represents a three-year cohort of lawyers).

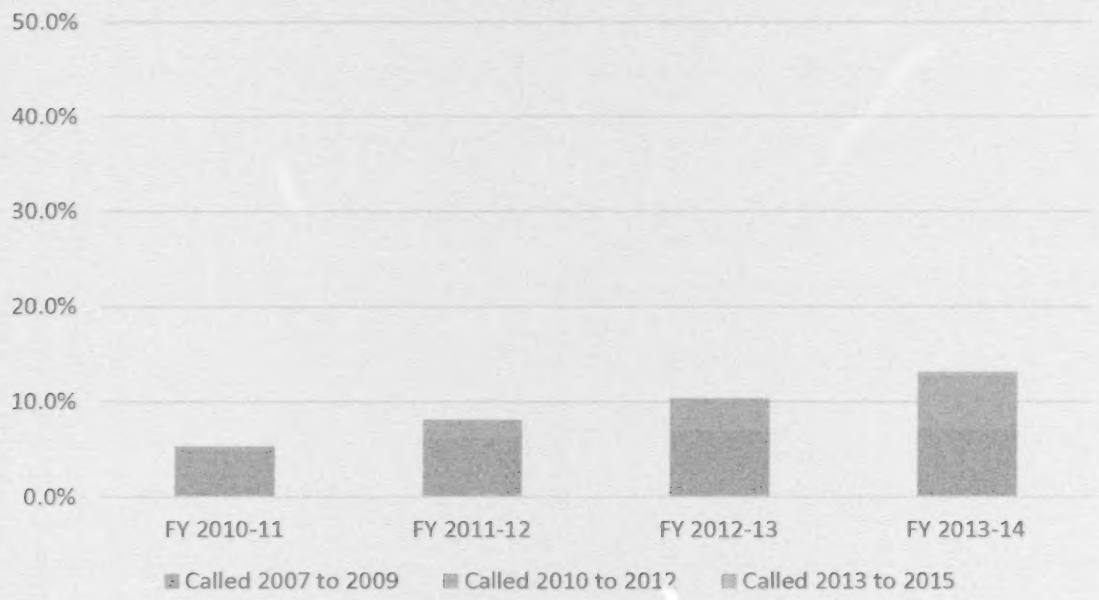
FIGURE 13: LAWYERS PROVIDING CERTIFICATE SERVICES BY YEAR OF CALL



	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
Called 2013 to 2015	-	-	1	75
Called 2010 to 2012	71	202	345	439
Called 2007 to 2009	415	394	380	365
Called 2004 to 2006	423	391	385	360
Called 2001 to 2003	414	384	359	359
Called 1998 to 2000	265	239	244	233
Called 1995 to 1997	237	226	218	204
Called 1992 to 1994	304	283	266	256
Called 1989 to 1991	275	265	241	240
Called 1986 to 1988	212	184	177	179
Called before 1986	911	830	762	712
	3,539	3,412	3,389	3,432

Based on year of all, the group of private bar lawyers taking on LAO's certificate work is very diverse. There is a distinct and consistent presence from each year of call in this group. Over the last four years, each three-year cohort prior to 2007 has earned at least $10 million annually. The three cohorts after 2007 have been increasing their LAO earnings with each year. The chart below demonstrates the increase in the proportion of LAO's certificate spending which is paid to recent calls to the bar. In 2010/11, lawyers called to the bar in 2007 and after provided 5.2 per cent of LAO certificate work; by 2013/14 this grew to 13.1 per cent, and it can be projected that, in the next few years, these lawyers called between 2007-2013 will represent 25 per cent of LAO certificate work.

FIGURE 14: PER CENT OF LAO CERTIFICATE PAYMENTS BY LAWYER'S YEAR OF CALL (2007 AND LATER)



The finding that recent calls to the bar are actively taking on a larger portion of LAO's certificate work is consistent with previous analysis of earning trends of lawyers based on year of call. The notable trend for most groups of new lawyers is that their cumulative workload builds over the first three to four years until it reaches a plateau. Although individual lawyers may vary the size of their personal practice over the years, the cumulative workload will remain at the plateau level for a long time and eventually diminish. For any three-year cohort, the plateau level can represent from 7 per cent to 12 per cent of LAO's annual certificate payments.

Each cohort, in itself, is very much like a smaller version of the whole group of private bar legal aid lawyers. Within each cohort there are lawyers who consistently take on high volumes of legal aid work and there are lawyers who take on varied amounts. From the data, it is also possible to observe the transition from older cohorts to younger cohorts.

In the last fiscal year, over 400 lawyers from the 2010-2012 cohort did work on behalf of legal aid, an increase of nearly 100 lawyers from the year before. Over 25 of these lawyers earned over $75,000 in 2013/14, an increase from nine in 2012/13. Correspondingly, the number of high earning lawyers among the pre-1992 calls to the bar has diminished from 350 in 2012/13 to 314 in 2013/14. This turnover pattern is consistent over time and is a sign of a diverse and healthy private bar.

The chart below demonstrates in detail how the number of lawyers with legal aid earnings over $20,000 has changed over the last four years for each of the cohorts. The number of more senior lawyers doing legal aid work has diminished over the four years, but the number of junior lawyers has increased. The net result is a minor 3 per cent decrease, from 2010/11 to 2013/14, in the number of lawyers earning over $20,000. This decrease is consistent with the decrease in LAO's certificate payments and certificate issuance.

FIGURE 15 : LAWYERS WITH MORE THAN $20K LEGAL AID EARNINGS

Lawyers making Over $20K	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Called before 1986	512	480	441	410
Called 1986 to 1988	131	130	113	117
Called 1989 to 1991	171	169	162	155
Called 1992 to 1994	181	177	166	156
Called 1995 to 1997	144	139	140	128
Called 1998 to 2000	165	151	149	138
Called 2001 to 2003	235	225	216	209
Called 2004 to 2006	217	212	206	207
Called 2007 to 2009	140	178	182	162
Called 2010 to 2012	6	50	106	156
Called 2013 to 2015	-	-	-	11
Total	**1,902**	**1,911**	**1,881**	**1,849**

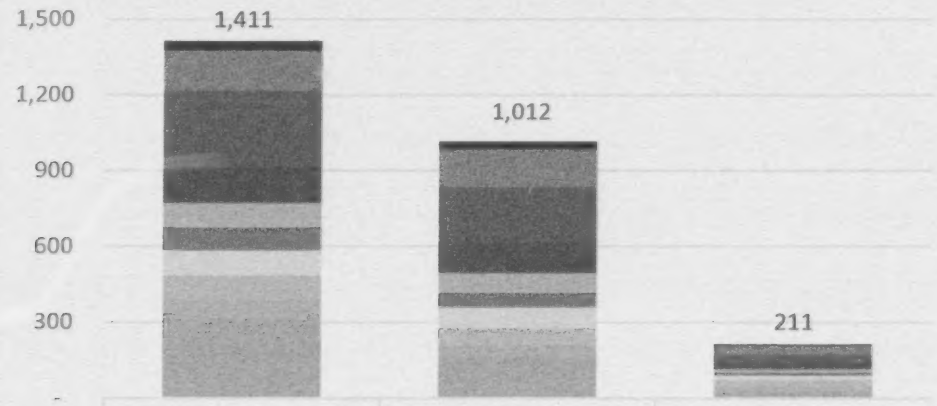
As the amount of certificate work done by pre-1992 calls diminishes, there is a consistent and sustained growth in the amount of certificate work done by the post-2007 year calls. The evidence suggests that the group of private bar lawyers doing legal aid work has always been replenished by junior lawyers and this trend has not changed in the recent past. The evidence also suggests that a portion of these lawyers will continue to do high volumes of legal aid work over the next 15 to 20 years.

Demographics by area of law

The above analysis was conducted on the entire population of private bar lawyers taking on LAO's certificate work. The same approach was then applied to each group of lawyers based on area of law.

The findings of this analysis were that, for every area of law, the participation from the private bar was consistent with the demographics described in the sections above. In each area of law, there is representation from each three-year cohort, much in the same way as for the overall population of legal aid lawyers. Additionally, within each area of law, there is a core of consistently high-earning lawyers as well as a group of lawyers with varied legal aid volume.

FIGURE 16 : NUMBER OF PRIVATE BAR LAWYERS* BY YEAR OF CALL AND AREA OF LAW



	Criminal Law	Family Law	Refugee Law
Called 2013 to 2015	34	28	3
Called 2010 to 2012	160	150	36
Called 2007 to 2009	158	113	17
Called 2004 to 2006	145	105	16
Called 2001 to 2003	142	121	24
Called 1998 to 2000	97	78	13
Called 1995 to 1997	90	58	10
Called 1992 to 1994	100	83	17
Called 1989 to 1991	96	64	28
Called 1986 to 1988	76	49	17
Called before 1986	313	163	30
	1,411	1,012	211

Called before 1986 Called 1986 to 1988 Called 1989 to 1991 Called 1992 to 1994
Called 1995 to 1997 Called 1998 to 2000 Called 2001 to 2003 Called 2004 to 2006
Called 2007 to 2009 Called 2010 to 2012 Called 2013 to 2015

*Note: This chart only depicts lawyers who practise in a single area of law. (80 per cent of lawyers provide services in a single area of law)

The main difference between the areas of law is in the number of practicing lawyers. Listing the areas of law from highest to lowest number of practicing lawyers LAO has:

- criminal
- family
- refugee and immigration
- civil.

The difference in proportion is consistent with LAO's spending by area of law, suggesting that the private bar workforce is scaled to the amount of legal aid work available within each area of law.

LAWYER SATISFACTION

LAO has conducted eight iterations of a Lawyer Satisfaction Survey since 2005. For the most recent survey, conducted in June 2014, invitations were sent to 3,292 lawyers who had been paid for certificate or duty counsel work during the 2013/14 fiscal year. A total of 548 lawyers completed the survey, resulting in a 17 per cent response rate and an overall margin of error of ±3.9 percentage points at the 95 per cent confidence level.

To measure overall satisfaction, respondents were asked to rate their level of agreement with the following statement: "Overall, I was satisfied with my relationship with LAO."

- More than 70 per cent of respondents responded positively or neutrally to this statement.

The survey was also designed to measure satisfaction with a wide breadth of areas, such as on-line and staff services, billing and payment, training provided by LAO and French services. All items were rated positively or neutrally by over half of respondents. Some particular areas of strength included high levels of satisfaction:

- with staff courtesy (93 per cent positive/neutral ratings),
- accessibility of on line services (87 per cent positive/neutral ratings),
- quality of French services (86 per cent positive/neutral ratings).

Furthermore, more than 40 per cent of respondents indicated a desire to increase their LAO practice in the next year.

Survey responses were also analysed to examine potential differences in satisfaction related to a lawyer's region, the amount of work they performed, or their area of practice. Statistically

significant differences were found only on a few items. No statistically significant differences in overall satisfaction were found among different demographic groups.

Stakeholder Input

LAO board advisory committees

LAO's eight Board-appointed advisory committees meet on a twice-yearly basis to provide input and advice to support the Board in its annual planning process.

The committees offer expertise in the areas of criminal law, family law, clinic law, immigration and refugee law, prison law, mental health, Aboriginal issues and French Language Services. The timing of the meetings is structured to enable the committees to provide input to LAO's environmental scanning exercise, which begins in the spring, and to provide feedback on proposed plans and initiatives in the fall, prior to Board approval and submission of the following year's business plan.

The 2014 advisory committee meetings emphasized financial eligibility for legal aid services as a primary area of focus for LAO. At the fall meetings, the committees responded very positively to the July 2014 budget commitment to expand eligibility for legal aid services. The committees made it clear that, after many years of erosion in the eligibility standard, it will be important for LAO to take a fresh approach to the scope of coverage to fully implement the eligibility expansion initiative and address the unmet need for legal aid services.

Existing client service gaps and service priorities identified by the advisory committees included:

- Secondary consequences of a criminal conviction: LAO should re-examine its application of the "liberty" test, particularly to first offenders. A criminal conviction that does not result in loss of liberty can still have very damaging consequences, affecting family law and child protection matters, immigration status, access to housing, and a person's ability to obtain employment and contribute to the community.
- Bail and bail system issues: defence counsel have a key role to play in addressing problems with the bail system. Bail conditions that set young people up for breach are a particular problem; the more that can be done to avoid constant engagement between young people and the justice system, the better the outcomes will be. Application of Gladue considerations at bail was identified as a new and exciting development.
- Unmet needs in family law: unrepresented litigants continue to be a cause for concern. LAO should also focus on domestic violence, and the intersections between criminal and family law.
- Coverage for civil law issues: identified as a particular gap since LAO stopped issuing certificates in this area.
- Poverty law needs: unmet needs and service gaps were identified in employment law and workers' rights, access to federal income benefits, consumer law, housing,

and privacy law matters. Issues affecting the working poor and vulnerable seniors were identified as important to consider.

Providing support to test cases and public interest work was identified by a number of the committees as a good way to address broad systemic issues and an area where LAO could increase its capacity. The committees supported strengthening LAO's approach to test case work by dedicating more funding for test cases and developing a strategic, rather than an ad hoc approach. The committees also advised that test case work is more efficient and of higher quality when partners work together.

LAO's organization-wide priority client strategies, the Aboriginal Justice Strategy and Mental Health Strategy, have continued to be a focal point for advisory committee discussions and advice. LAO's focus on excellence in provision of French Language Services continues to be supported by the committees and LAO's proposed initiative to develop a Domestic Violence Strategy has been well-received.

LAO initiatives to support and improve service provider skills and to increase its organizational capacity also generated advice from the committees. LAO heard from several of the committees that mentoring is key to supporting service providers and promoting quality service. The committees also advised that LAO should continue to focus on developing and providing training and tools for service providers and LAO staff delivering front line services.

Stronger data collection, tracking and reporting abilities were promoted by the committees as ways for LAO to better understand its client base and services, and to increase its capacity. It was suggested, for example, that the use of a unique client identifier would be advantageous to LAO. Simplified decision-making processes that would provide LAO's regions with more autonomy were recommended as a means of reducing delay. LAO also heard that an increased focus on quality assurance and panel standards is necessary to protect vulnerable clients, and that LAO currently lacks sufficient interim panel management tools.

Internet use

The Canadian Internet Use Survey (CIUS), 2013 edition, published results for the years 2010 and 2012 and found that in 2012, 83 per cent of Canadians aged 16 or over used the Internet for personal use from any location, compared with 80 per cent in 2010.

The rise in Canadians using the Internet can be partially attributed to increased use by those who are 65 or older; Internet use by Canadians in this demographic rose from 40 per cent in 2010 to 48 per cent in 2012.

Low income access

The survey shows that 65 per cent of individuals aged 16 years and over in the bottom 25 per cent of income distribution in Ontario used the Internet from any location in 2012. On the other hand, 94 per cent of individuals aged 16 to 24 years in the lowest income quartile in Ontario used the Internet.

56 per cent of Canadians aged 16 years and over in the lowest income quartile visit or interact with government websites, and almost 69 per cent of this group also use social network sites. These percentages are considerably higher for young individuals (16 to 24 years old); they are 64 per cent and 96 per cent respectively.

Handheld devices, tablets and smartphones

More than one-half of Internet users (58 per cent) accessed the Internet in 2012 via a wireless handheld device such as a cell phone or tablet, up from 33 per cent in 2010. Canadians aged 16 to 24 were most likely to use a wireless handheld device to connect to the Internet (84 per cent). This access rate via wireless handheld device declined according to the age of the respondent and was lowest amongst those who are 65 or older at 9 per cent.

International scan: trends and developments

Introduction

This review has identified two divergent and seemingly opposing themes.

First, in the last few years an international consensus has developed on the fundamental requirement for legal aid for people of low income, in the context of diverse legal and social frameworks. The development of this recognition of the need for legal aid, especially in the context of criminal law systems, has been recognized at the highest international level by the United Nations Economic and Social Council approving "Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems" in December 2012. [1] Particularly in so-called third world countries, there is growing establishment of legal aid services based on any available resources. [2]

Second, the worldwide financial recessions of the last decade have resulted in government austerity programs impacting new and established legal aid programs. However, the tension between human rights and access to legal aid, and the response to economic realities, is still apparent. In proposing its austerity measures in 2011, the Ministry of Justice for England and Wales, in deference to its obligations under the Conventions of the EEC[3] was able to point out that,

"In formulating the consultation proposals on scope, we took into account our international obligations, including the factors identified by the courts as weighing in favour of the provision of legal aid under article 6 ECHR. The consultation paper therefore generally proposed retaining funding for those areas of law in which article 6 considerations could reasonably be considered to indicate public funding might be required usually or very often."[4]

A third feature of the current state of legal aid activity is the development of innovative services based on the technical resources provided by telephone, and more importantly, the Internet.

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[1] **http://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidlines_on_access_to_legal_aid.pdf**

[2] **"The Ghana Law School is to fully incorporate Free Legal Aid Services into its curriculum from the 2015/2016 academic year..... due to the prevalence of basic human rights concerns, domestic violence and land related litigations in the community."** http://www.gbcghana.com/1.1736364. **In July 2013, Indonesia launched a nationally funded legal aid system,**

[3] http://www.echr.coe.int/Documents/Guide_Art_6_ENG.pdf- **The Right to a Fair Trial.**

[4] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228890/8072.pdf **at p. 78**

Cuts or freezes to legal aid funding

The structure of legal aid in **England and Wales** has been the subject of major reforms over the past few years, starting with the implementation of recommendations of the Carter Commission Report resulting in the legal aid authority being reinvested in the Ministry of Justice. In response to the pressures of fiscal restraint, further reforms were announced.

The Legal Aid, Sentencing and Punishment of Offenders Act came into force on April 1, 2013. The motivation for these changes has been set out by the Ministry of Justice, while referring to the need for fiscal restraint. "Our legal aid system is one of the most expensive in the world with countries with comparable legal systems spending significantly less per capita than we do."[5]

In an attempt to significantly reduce legal aid spending (to cut the legal aid budget by £215 million by 2018/19) major reductions to civil legal aid coverage, and reductions to fees across the board, were announced. However, over the past year, the criminal bar has responded with submissions and even withdrawal of service. As a result of ongoing discussions with the ministry, the Minister announced in March that some reductions affecting barristers would be put on hold.[6]

In **New Zealand**, in response to the critical Bazely report on legal aid, the functions of the Legal Services Agency have been transferred to the Ministry of Justice. Other reforms have included an expanded public defender office and a new quality assurance scheme for solicitors.

Australia is seeing cuts to coverage in legal aid funding for asylum seekers and environmental matters, as both commonwealth and state governments try to contain spending.[7]

The **United States** is facing a funding crisis at both the federal and state levels. As a result of substantial reductions in domestic discretionary spending, and more reductions expected in 2014, the LSC appropriations may go down below levels in 2013. State budget problems continue so fewer funds are available for civil legal aid than at the beginning of 2013. Interest on Lawyers Trust Accounts (IOLTA) revenues are also on a downward trend because of interest rate

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[5] **See note 1 attached with international per capita comparisons**

[6] **http://www.telegraph.co.uk/news/uknews/law-and-order/10727928/Legal-aid-cuts-delayed-for-a-year-in-climb-down.html**

[7] **http://www.abc.net.au/worldtoday/content/2013/s3757641.htm**

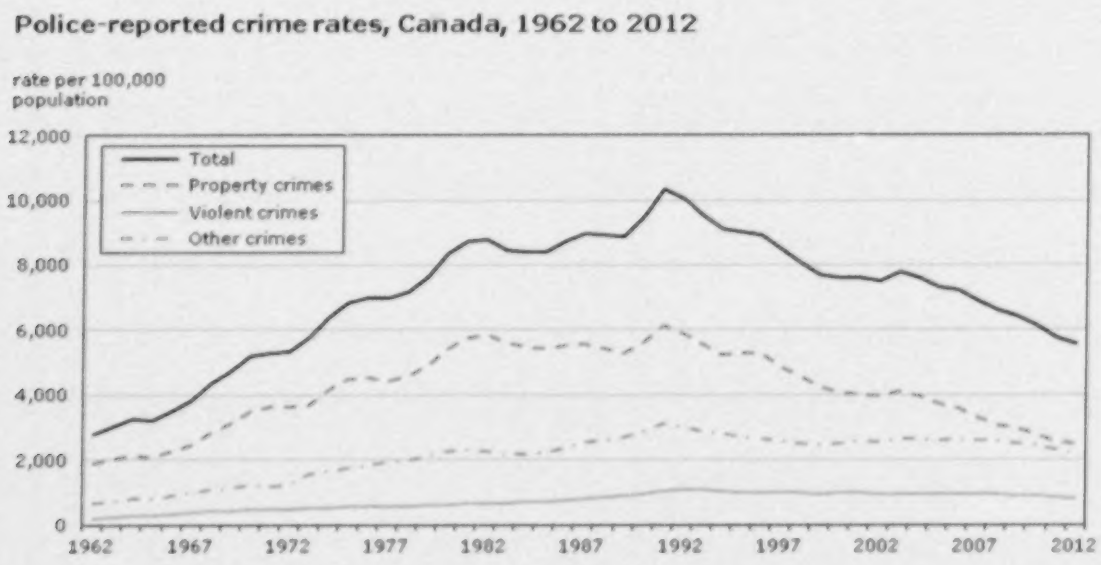
reductions by the Federal Reserve and the substantial slowdown in housing purchases and business activity. [8]

Declining crime rates

The declining crime rate has been reported internationally. In **Canada**, Stats Can reported in 2012 that the police-reported crime rate in Canada continues to fall.

"The police-reported crime rate, which measures the volume of crime per 100,000 population, continued to decline in 2012, down 3 per cent from 2011. After peaking in 1991, the police-reported crime rate has generally declined and, in 2012, it reached its lowest level since 1972."[9]

FIGURE 17 : POLICE REPORTED CRIME IN CANADA



DESCRIPTION OF CHART

In **England and Wales** the statistics are similar and a graphic depiction of the fall in crime is typical:

FIGURE 18 : POLICE RECORDED CRIME IN ENGLAND AND WALES

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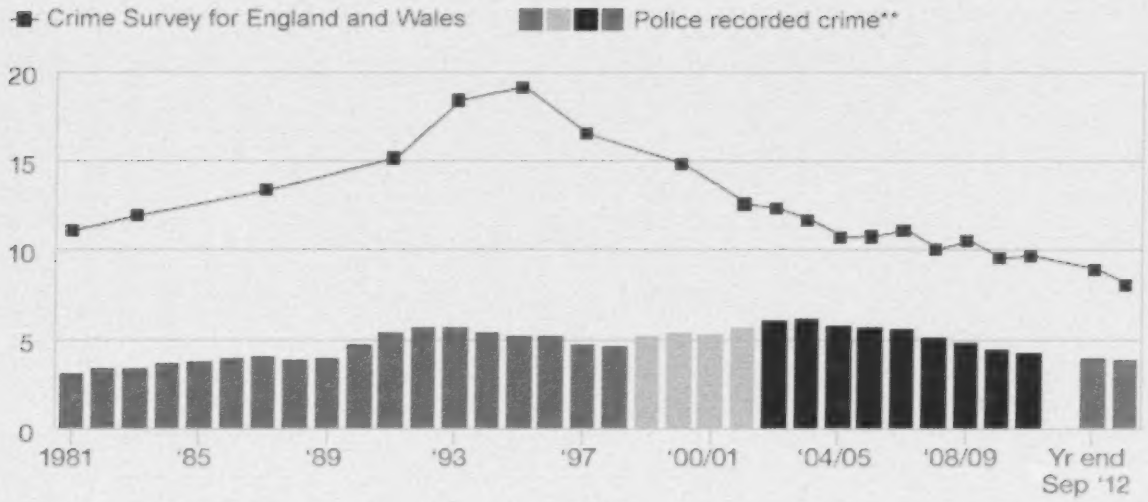
[8] **CIVIL LEGAL AID IN THE UNITED STATES :AN UPDATE FOR 2013, Alan W. Houseman, Senior Fellow, CENTER FOR LAW AND SOCIAL POLICY November 2013 , at page 1**

[9] **http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11854-eng.htm?fpv=269303**

Fall in crime in England and Wales

Number of offences*, millions

Key



*Offences are for households and adults aged 16 and above
**Colours represent change in way data is counted or recorded
Note: The way police recorded crime changed in 1998/99, 2002/3 and 2012

Source: Crime Survey for England and Wales, Office for National Statistics; Police recorded crime, Home Office

Official figures show overall crime fell by 10 per cent in England and Wales. The figures, published by the Office for National Statistics, estimate crime levels based on how many people say they have been a victim of a crime.

In 2013, recorded crime was reported at a 30-year low in **Scotland**. The Scottish government statistics show in the year to the end of March, there was a 13 per cent drop in recorded crime.[10]

In a report by Oxford Economics[11] commissioned by The Law Society, Legal Aid Practitioners' Group, London Criminal Courts Solicitors' Association (LCCSA), Criminal Law Solicitors' Association and Big Firms' Group, there is criticism of the England and Wales Legal Aid Agency's "steady state" forecasts for criminal legal aid expenditure. The report proposes an "alternative forecast based on assumptions of future trends in crime and the criminal justice system", relying on the evidence that "crime has been on a steady downward trajectory for the last decade". On

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[10] http://www.bbc.com/news/uk-scotland-22934941#story_continues_1

[11] http://www.crimeline.info/uploads/docs/oxford.pdf

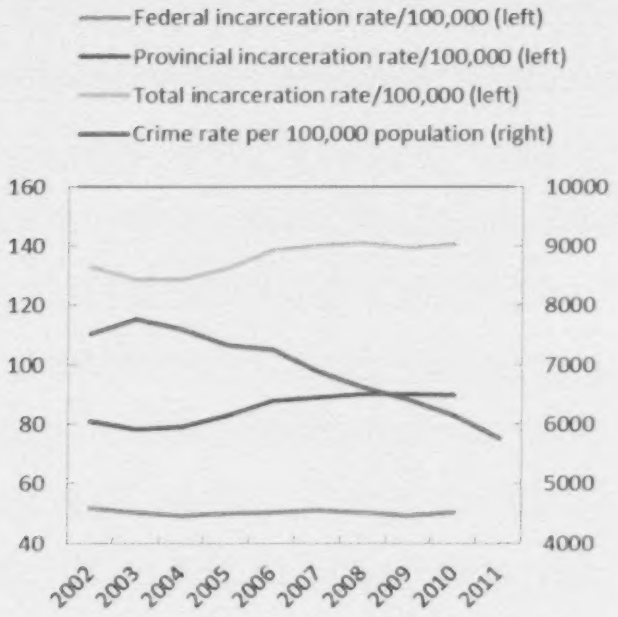
the basis of the analysis in the report, there have been predictions of varying levels of savings in legal aid spending on criminal law assistance over the next four years.

INCREASING INCARCERATION AND SECURITY COSTS

In spite of generally declining crime rates, the consistently high rates of incarceration internationally result in spiralling costs to the overall justice systems, keeping overall costs for the systems to remain high. This feature has been analyzed and reported in **Canada** the Expenditure Analysis of Criminal Justice in Canada report to the Office of the Parliamentary Budget Office:[12] which states at page 1 that *"the drivers of the increase* (in expenditure*) to the percentage of GDP have been security and corrections."*

FIGURE 19 : INCARCERATION RATES CANADA

Figure 4-17 Canadian Incarceration and Crime Rates



Source: Statistics Canada

[12] http://www.pbo-dpb.gc.ca/files/files/Crime_Cost_EN.pdf

Innovative service delivery

In the **United States,** the Shriver Center on Poverty Law reported that the Legal Services Corporation (LSC) recognizes that technological innovation can improve access to justice and supports the use of technology to help low-income litigants through its Technology Initiative Grant (TIG) program. In 2013, the TIG program gave almost $3.4 million to 33 different projects providing a wide variety of services, including "'legal triage' tools to guide self-represented individuals through complex legal procedures, online support for pro bono attorneys, and improved access to legal assistance for people in remote areas." LSC also holds an annual conference focusing on the use of technology in the legal aid community and releases reports on the use of technology to expand access to justice.[13]

Australia: LawAccess New South Wales[14] is an integrated legal assistance web site which can provide referral, legal information and self-help assistance. It provides a statewide telephone call centre, and information web site and a website designed to help people to represent themselves (Law Assist). LawAccess is available to all NSW residents, but is particularly aimed at those who have difficulty in accessing community and government services- those in remote areas, and those with disabilities.[15]

The **Netherlands** is a leader in on-line legal service innovation. (See below)*

Telephone advice services

These hotline services are growing in popularity and usefulness, particularly for rural dwellers, and remote locations. However, monitoring quality control of the nature and content of such legal advice is a top priority to the reviewers. [16]

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[13] http://www.povertylaw.org/

[14] http://www.lawaccess.nsw.gov.au/

[15] http://www.rogersmith.info/best-integrated-legal-advice-provision-in-the-world/

[16] **Wayne Moore on quality hotline legal advice-** W. Moore, *Delivering Legal Services to Low-Income people*, Moore & Associates, USA, 2011. And **Patterson-Smith** http://www.strath.ac.uk/media/faculties/hass/law/cpls/Face_to_Face.pdf **at page 34.**

Online dispute resolution

Netherlands: There is a relatively well-funded legal aid scheme under which services are delivered through private practitioners on a certificate basis. There is also a national network of legal advice counters staffed by paralegals. The newest addition to the legal aid arsenal is online dispute resolution tools.

A new legal advice site introduced in 2007, and upgraded in 2012, was developed by the Dutch Legal Aid Board and is known as Rechtwijzer, which means "conflict resolution guide" or "signpost to justice." A joint committee with the support of stakeholders, including the bar, runs the project.

An online toolbox provides guidance on how to prepare a letter for a consumer problem, self-calculating child support, and how to make a parenting plan. New applications are in development for divorce, and mediation online, and are intended to assist users to solve their legal conflicts themselves. A full analysis of the project is provided in an article by Roger Smith and Alan Patterson, which discusses alternatives to in-person legal services.17

One of the architects of the site describes the new version as follows:

"Rechtwijzer 2.0 takes this a few steps further. It offers a platform for legal information, advice and services, some of which are automated. It enables people to work on solving their legal problems in their own words, at their own pace, from their own homes, together with the other person, with professional service providers readily available to help them. To mediate, advise, decide or to review the end result. Lawyers and adjudicators working with Rechtwijzer 2.0 offer their services online, unbundled and on a pay as you go basis against fixed fees.

Rechtwijzer 2.0 is a justice platform that builds on the actual behaviour of people with a legal problem. As legal needs studies show us, people with a legal problem across the globe show more or less similar behaviour: most people first look for information about their problem, rights, obligations, and options for solving their problems. People often first try to solve their legal problem themselves and seek help if this does not work. They generally want support with contacting the other party, communicating, and negotiating. And also have a need for neutral information that helps them determine a fair result."

Self-help support

Mature legal systems, mainly in the western world, have moved toward providing support and information to self-represented litigants. The supports provided throughout the **United States**

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[17] **http://www.hiil.org/news/rechtwijzer-game-changer**

include the placing of court forms (family and civil) and basic information about court procedures on the Internet, along with the strategic placement of computer stations, and staffed self-help centres.[18]

Legal Service Delivery

Alternative providers and assistants

PARALEGALS

Paralegals are taking on a leading role in third world countries where lawyers are in short supply. Indonesia had no formal legal aid system until July of 2013, when a nationally funded legal aid system was launched, and now 310 organizations have been accredited to deliver legal aid to poor Indonesians, supported by the state budget. Now the use of paralegals is emphasized:

Many legal aid institutes now train village-level paralegals to provide basic legal information, and referral to legal aid posts at the sub-district level, or to lawyers if needed. Paralegals have emerged as particularly important for women to solve their legal problems, and in Makassar, LBH Apik has trained almost 120 of them to file and classify cases so that they can be effectively tracked by civil society organizations and local government. Women attend a monthly village meeting with paralegals...[19]

The use of paralegals in African criminal law settings has been reported on[20] in a study for Penal Reform International, (PRI), an independent NGO that develops and promotes responses to criminal justice problems worldwide. The important role of paralegal services was recognized recently at the international level with the adoption of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012)[21], which provides that states should :

"(e). enable paralegals to provide those forms of legal aid allowed by national law or practice to persons arrested, detained, suspected of or charged with a criminal offence, in particular in police stations or other detention centres; " at Guideline 11, section 55.

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[18] **Patterson-Smith** http://www.strath.ac.uk/media/faculties/hass/law/cpls/Face_to_Face.pdf **at page 30.**

[19] **http://asiafoundation.org/in-asia/2014/05/07/photo-blog-legal-aid-delivers-justice-in-indonesia/**

[20] **http://ppja.org/regional-information/africa/Index%20of%20Paralegal%20Services%20in%20Africa.pdf/at_download/file**

[21] **http://daccess-dds-ny.un.org/doc/UNDOC/LTD/V12/528/23/PDF/V1252823.pdf?OpenElement**

TRUSTED INTERMEDIARIES

Australia: Recent research by Michelle Leering, executive director of the CALC (Belleville) which is to be published in a joint report with Dr. Ab Currie, the leading Canadian legal aid researcher currently with the Canadian Forum for Social Justice, on a presentation that discusses the critical role "trusted intermediaries" have in increasing access to justice in Canada, based on findings through research in Australia, among other sources.

Canada: The communication intermediary roster22 is a list of Speech-Language Pathologists who have attended trainings by CDAC to prepare them to work in legal and justice situations. The roster is currently available in Ontario, Alberta and British Columbia. Police, legal and justice professionals can search the roster to find an intermediary that suits their requirements.

PRO BONO

Canada

"Legal aid grew out of a pro bono system that prevailed in most provinces up to the mid-1960. As an expression of professional responsibility, lawyers would take on a few cases per year at no charge for indigent people. Organized legal aid began in some provinces in the mid-1960. By the early 1970's there were legal aid plans in every province and territory, and a federal program for sharing the cost of criminal legal aid with provinces and territories was in place. In the early 1970's federal funding became available for civil legal aid under the Canada Assistance Plan." [23]

International

Mandatory reporting of pro bono work by lawyers is spreading in common law jurisdictions.

Other jurisdictions have pro bono reporting requirements e.g. **Singapore**[24]

Pro Bono is seeing increasing support worldwide, the latest developments being around loosening restrictions of the governing legal bodies on in-house counsel, to allow them to provide services with or without supervision by their governing legal bodies[25].

A new Internet website[26] offers "to connect organizations in need of legal assistance with lawyers and students who want to use their legal skills for the public good".

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[22] http://www.access-to-justice.org/communication-intermediaries/roster/

[23] Ab Currie:, http://www.justice.gc.ca/eng/pi/rs/rep-rap/2000/op00_2-po00_2/b3.html

[24] http://www.mlaw.gov.sg/content/minlaw/en/news/press-releases/mandatory-reporting-for-legal-pro-bono-work-done.html

[25] http://whoswholegal.com/news/community/article/31124/pro-bono-inside-story/

[26] http://www.i-probono.com/index.aspx

United States

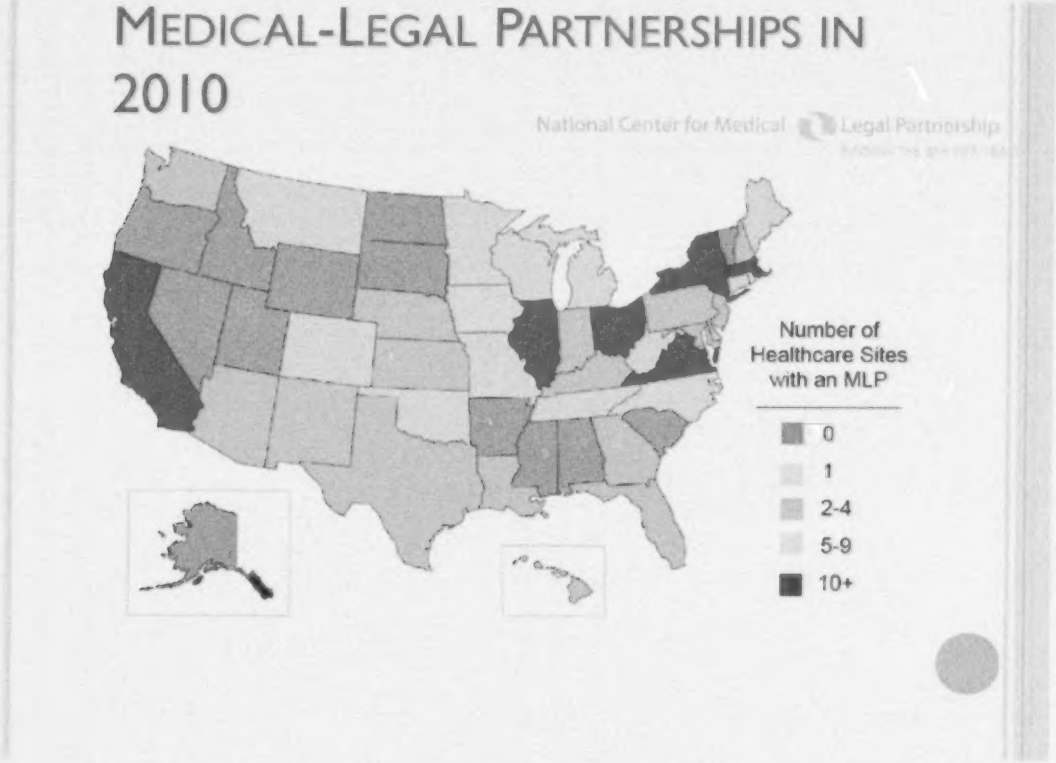
In the US, some attention has been given to mandatory reporting of pro bono work. Several states now have mandatory reporting, and others have voluntary reporting.

MEDICAL-LEGAL PARTNERSHIPS

United States

With origins at Boston Medical Center in the Department of Paediatrics in 1993, the movement to establish medical-legal partnerships (MLPs) has spread widely across the United States. Medical professionals and lawyers collaborate to treat and educate on social determinants of health. Their principal goal is to ensure that public programs and laws that impact the health of vulnerable populations are implemented and enforced appropriately.[27]

FIGURE 20 : MAP OF MEDICAL LEGAL PARTNERSHIPS IN THE UNITED STATES



In 2013, there were 97 medical legal partnerships serving 54,000 patients/year at more than 275 hospitals, clinics and health centers. The clients are children, adults/elderly, veterans and

[27] **http://medical-legalpartnership.org/**

patients with chronic illnesses and training is given in 47 residency programs. The program emphasizes the need for co-location of medical, legal and social work supports:

- social worker assess needs, barriers and resources
- social worker can determine other non-legal problems and remedies
- social worker trained in family systems theory
- social worker maintains ongoing relationship after legal case "closed"

Australia

In Australia, steps are being taken to deliver on a projected MLP collaboration[28] based on the Final Report of the Clayton Utz Foundation Fellowship | August 2012. From extensive interviewing in the Community Legal Centres in Australia, key questions indicated the extent to which legal aid clients had medical-health issues, and that support from their practitioners/medical providers was essential to provision of appropriate legal services.

With research primarily into the established MLP formula from the US, and relying on the extensive national interviews and questionnaires, the report made the following recommendations:

- That advocacy be undertaken for the establishment of pilot sites that consciously and critically apply the MLP approach in the Australian context.
- That consideration be given to establishing a national centre to support the evolution of MLP in Australia.29

Canada

MLPs are growing across North America. MLPs address factors that have a direct impact on health, which in turn reflect the clusters of legal problems facing legal aid clients. Examples of these initiatives are seen in:

British Columbia: A partnership was formed in 2012 focused on Vancouver's Downtown Eastside. A group with representatives from the Legal Services Society, CLEBC, UBC Faculty of Law, and Access ProBono works in consultation with the Downtown Eastside community and an established medical community initiative known as RICHER. Which is a community-based primary healthcare service specifically designed to meet the unique needs of children, youth, and families in Vancouver's inner city neighbourhoods. The focus is on children who are particularly vulnerable because of their material and social circumstances.

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[28] **http://advocacyhealthalliances.files.wordpress.com/2012/08/aha-report_general1.pdf**

[29] **ibid at p. 25**

Ontario: The first MLP was launched by PBLO at the Toronto Sick Children's Hospital in 2009. In 2012, PBLO launched a partnership with the Children's Hospital at London's Health Sciences Centre with financial support from The Advocates' Society and PBLO formed a third partnership with Holland Bloorview Kids Rehab Hospital in 2013. PBLO's goal is to have a presence at every children's hospital in Ontario by 2014.

Legal Services Project at St. Michael's Hospital[30]: Some doctors and social workers in the Family Health Team at St. Michael's are in a group called Health Providers Against Poverty and asked ARCH Disability Law Centre to partner with them. Aboriginal Legal Services of Toronto, the HIV & AIDS Legal Clinic Ontario (HALCO), and Neighbourhood Legal Services will be partners in this project, with funding from LAO for three years, to start legal services at the hospital. Other legal clinics joining are the Advocacy Centre for the Elderly, Justice for Children and Youth, and the Canadian Environmental Law Association. It is hope there will be several legal services at St Michael's Hospital: Patients to get legal advice and workshops for groups of patients to learn about their legal rights The Family Health Team can also learn more about legal issues.

Disadvantaged Communities

Persons with Disabilities

Australia

In 2013, the Australian Human Rights Commission reported on its consultation process to identify how people with disabilities deal with access to justice barriers. The commission sought submissions and held public and individual meetings in every state and territory and region. 31 The commission issued its report, "Towards Disability Justice Strategies", in February 2014. Gaps in service and support for all types of disabilities throughout the justice system are cited. Among its findings:

"It is often the case that people with a mental illness, intellectual disability or acquired brain injury plead guilty (are 'plead out') by duty lawyers who may not identify the disability and thus, be oblivious to whether or not the disability is related to the alleged offending. This lack of identification is further exacerbated by the lack of time available to a duty lawyer to properly and thoroughly investigate a matter prior to entering a plea."32

The commission recommended that all states and territories, as well as the Commonwealth, introduce a holistic, over-arching disability justice strategy which would improve the lives of people with disabilities and save the community money through diversion and support.

Canada

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[30] http://archdisabilitylaw.ca/?q=node/918

[31] **https://w.ww.humanrights.gov.au/publications/equal-law**

[32] **ibid at paragraph 48**

In a paper prepared for "Re-Inventing Criminal Justice: The Fifth National Symposium" in Montreal in January 2013, a very similar recommendation was included:

"3. Address the complex issues facing mentally disordered offenders through the use of integrated teams with members from mental health, social services and criminal justice. To ensure effective coordination of services, ideally authority to ensure access to required services should reside in a single individual." [33]

Iraq

USAID[34] has established a legal outreach program for Iraq's vulnerable and disadvantaged populations including women, widows, orphans, internally displaced persons, religious and ethnic minorities, persons with disabilities, and persons who lack access to state protections and services due to a lack of formal identity. Enlisting numerous community partners to promote sustainability – CSOs, bar associations, jurists' unions, and government – the program has a term from 2010-2015, and a budget of $62.9 million USD. The numbers of activities reported included 14,000 free legal aid services provided.

Quality

Peer Review

Peer review remains an important part of the quality assessment of legal aid provision in **England and Wales**[35], and has also been adopted in **Scotland**[36]. However, as peer review utilizes fee for service experienced practitioners, this remains a high cost quality determinant.[37] Even in England and Wales, the Legal Aid Agency indicates that the program has been cut back due to costs, and that only 10 per cent of firms with criminal legal contracts are currently reviewed.[38]

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[33] http://icclr.law.ubc.ca/sites/icclr.law.ubc.ca/files/publications/pdfs/Mental%20Illness%20and%20the%20Criminal%20Justice%20System%20%5BFinal%20VS%5D.pdf **at p.8**

[34] **http://iraqaccesstojustice.org/assets/a2j-brochure-rev-07-2013-en-lores.pdf**

[35] **http://www.justice.gov.uk/legal-aid/quality-assurance/audits/peer-review**

[36] **http://www.slab.org.uk/providers/supplier/quality/**

[37] http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/lesage_code/chapter_5.asp ***while I do not recommend, at this time, the highly proactive, system-wide, and costly form of peer review of legal aid service providers that has recently been initiated in the U.K., a more targeted form of peer review by LAO may well be warranted,*** at recommendation 25.

[38] **http://www.lawgazette.co.uk/71631.article**

The literature does not reveal any substantial adoption of peer review in international jurisdictions, although the response to the Bazely Report and new legislation in New Zealand indicate an intention that peer review will form part of ongoing quality assurance in that country.[39]

The **Netherlands** system also refers to a requirement that private legal aid providers "that hold the quality mark of the Dutch Foundation Viadicte[40] are also entitled to accept legal aid cases. They are under the obligation to participate in Viadicte's peer review system."[41]

The standard of the Quality Mark is a constant requirement for legal aid providers in **England and Wales**.

In the **United States**,

"...efforts are made to ensure the quality of civil legal services, through the use of case management systems, the establishment of standards and performance criteria, and the use of peer review onsite examination of the overall effectiveness of programs—based on the standards and performance criteria. Generally, outcome measures have not been used extensively, although five state IOLTA/state funding programs require their grantees to report on outcome measures."[42]

ACCREDITATION PROGRAMS

Australia: There are about 200 community legal centres, which provide services in poverty law and family law, and provided assists to approximately 212,000 clients in 2012-2013.

The National Association of Community Legal Centres (NACLC) developed a National Accreditation Scheme to provide an industry-based process for certifying the community legal centres comply with national accreditation criteria.

The accreditation process consists of:

- Online self-assessment
- Site visits by specialist accreditation reviewers

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[39] **http://www.justice.govt.nz/policy/justice-system-improvements/legal-aid/legal-aid-quality-framework**

[40]**http://www.viadicte.nl/en/introduction/** ***Foundation Viadicte is founded by and for law firms to ensure and improve the quality of their services, funded in part by the Ministry of Justice and the Legal Aid Board***

[41] **http://www.rvr.org/binaries/about-rvr/legal-aid-in-the-netherlands-2011-05-23-ilag.pdf**

[42] **CIVIL LEGAL AID IN THE UNITED STATES :AN UPDATE FOR 2013, Alan W. Houseman, Senior Fellow, CENTER FOR LAW AND SOCIAL POLICY November 2013 , at page 32**

- Report and recommendation to NACLC or the state Association on accreditation status.43

A national time line has been established in order to have all CLCs assessed and certified by mid-2014.

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[43] http://www.naclc.org.au/cb_pages/accreditation_spp.php

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